IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE NINTH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE V.ESWARAIAH

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WP.No.4392 OF 2006

Between:

N.Rama Sastry … Petitioner

Versus

The General Manager-cum-

Disciplinary Authority,

Sri Venkateswara Grameena Bank,

Chittoor & Anr. … Respondents

Counsel for the Petitioner: Sri V.JAGPATHI

Counsel for the Respondents: Sri K.Srinivasa Murthy

O R D E R :

The Petitioner questions the action of the second respondent in rejecting the request of the petitioner made in letter dated 20-2-2006 permitting him to examine the official witnesses; namely, Sri J.Muni Bhaskara Raju, C.C., R.C.Puram branch; Sri M.Rajya Vardhan Reddy, Manager, B.Kothakota branch; Sri M.Chandra Kumar, Manager, Papanaidupet branch; and Sri J.Rathan Kumar, Manager, Piler branch, and to further examine the private witnesses; namely, Sri B.Krishna Murthy, SB A/c.No.3599 holder and Dr.K.Lobulesu, SB A/c.No.3919 holder, both from Kandukuru village, on the ground that the petitioner has not stated any reason and the relevancy for calling the aforesaid witnesses, and therefore, the petitioner was permitted to produce the defence witnesses, if any.

The learned counsel appearing for the petitioners submit that earlier also the second respondent insisted the petitioner to produce all his witnesses on the same day and closed the enquiry without giving any opportunity and assailing

the said proceedings dated 27-11-2005, the petitioner filed WP.No.25926 of 2005 before this court and this court while allowing the said writ petition held that in so far as the closing of enquiry without giving any opportunity to the petitioner to adduce any evidence on his behalf, is set aside and the second respondent is directed to ensure that the named witness Sri Jannatha Sastry, is no longer to be examined any witness than the management, it shall be open to the petitioner to examine him as his witness. Apart from that, the petitioner shall also be permitted to examine any witness within a period of two weeks from the date of recommencement of the proceedings.

It is stated that the petitioner was permitted to examine Sri Jannatha Sastry but in spite of the fact that the petitioner named certain witnesses and the same was not allowed by the second respondent.

The learned standing counsel for the respondents submit that the petitioner has not spelt out any reason or relevancy to examine the official as well as private witnesses, and therefore, it cannot be said that the action of the enquiry officer in rejecting the request of the petitioner is illegal and arbitrary.

Having regard to the facts and circumstances, I am of the opinion that it is just and necessary to direct the petitioner to spell out the reason for examining the witnesses at a time by filing representation within one week from today and if any such representation is filed the same shall be considered on merits and appropriate orders may be passed, “whether permitting or not permitting to examine the said witnesses” and after examining necessary witnesses the

petitioner may be permitted to file written arguments if any. However, the petitioner shall not be permitted to file any other representation with regard to examining the other witnesses than those named in the representation to be filed within one week from today. After examining the proper and necessary witnesses enquiry may be completed within ten weeks.

The writ petition is accordingly disposed of at the admission stage. No costs.

MARCH 09th, 2006. ----------

I s L. V. ESWARAIAH , J.

NB: CC in two days.

B/o. IsL.